REMARKS

Claims 1-8, 10-23, 25-38, and 40-45 were pending. No claims have been amended. Claims 46-59 have been added and are supported by at least the original claims. Claims 60-107 have been added and are supported by at least FIGs. 4, 7, and 8, and associated description. Therefore claims 1-8, 10-23, 25-38, and 40-107 remain pending in the application subsequent entry of the present amendment.

Double Patenting

Claims 1-8, 10-23, 25-38, and 40-45 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-43 of U.S. Patent No. 7,068,647. Included herein is a Terminal Disclaimer to overcome the rejections. Applicant notes the filing of a Terminal Disclaimer to obviate a nonstatutory double patenting rejection is not an admission of the propriety of the rejection. Applicant submits the Terminal Disclaimer in order to speed allowance of the present application.

35 U.S.C. § 101 Rejections

In the present Office Action, claims 1-8, 10-15, 31-38, and 40-45 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Specifically, the Office Action argues the "memory medium" of claim 31 is intended to include a software application or computer program, which is not a physical "thing". Page 57 of the Specification is referenced in the Office Action. Additionally, the Office Action suggests claim 1 mirrors claim 31 in all respects except for the preamble and in light of the Specification it is nothing more than the instructions of the application.

Applicant respectfully disagrees and submits the claims do comply with 35 U.S.C. § 101. Applicant submits a memory medium is in fact a physical thing. For example, in the portion of the specification cited by the examiner it states:

"The term "memory medium" is intended to include an installation medium, e.g., a CD-ROM, floppy disks, or tape device; a computer system memory or random access memory (RAM) such as DRAM, SRAM, EDO RAM, RRAM, etc.; or a non-volatile memory such as a magnetic media, e.g., a hard drive, or optical storage."

Claim 31 clearly recites a memory <u>medium</u> which <u>stores</u> program instructions. Accordingly, Applicant traverses these rejections.

Additionally, Applicant respectfully submits 1-8 and 10-15 comply with 35 U.S.C. § 101. In the present Office Action, it is suggested the claims generally correspond to an abstract idea. However, claim 1 clearly recites features such as "receiving an identifier from the IP telephone; . . . determining if a MAC ID for the IP telephone is valid; if the identifier is valid, assigning a range of port numbers to the IP telephone based on the identifier, wherein the IP telephone is operable to use at least a subset of the range of port numbers to send or receive IP communications." Such features clearly do not represent an abstract idea, law of nature, or natural phenomenon.

For at least the above reasons, the 35 U.S.C. § 101 rejections are traversed.

35 U.S.C. § 103 Rejections

In the present Office Action, claims 1-7, 15-20, 21-22, 30-37, and 45 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,958,992 (hereinafter "Lee") in view of U.S. Patent No. 6,822,957 (hereinafter "Schuster"). Further, claims 8, 10-14, 23, 25-29, 38, and 40-44 stand rejected 35 U.S.C 103(a) as being unpatentable over Lee and Schuster as applied to the above claims and further in

view of U.S. Patent No. 6,577,642 (hereinafter "Fijolek"). Applicant respectfully traverses the rejections and requests reconsideration in view of the following comments.

A prima facie case of obviousness of a claimed invention is not established unless all the claim limitations are taught or suggested by the cited prior art. Applicant submits not all features of the presently claimed invention are disclosed or suggested by the cited references, taken either alone or in combination.

For example, in the present Office Action, it is suggested that Lee discloses the recited features of claim 1 "if the MAC ID is determined to be valid, determining if the identifier is valid" in the description of a data flow in FIG. 4 of a registration of a previously registered IP phone 102. This description is given in the following:

> "Once booted-up, the IP phone service provider 202 sends an Open Port request 320 with the MAC address, the set type, and the IP address (associated information) to the set registration process 204 for registration of the IP phone 102.
>
> Upon receiving the Open Port request 320, the set registration process 204 checks the information against its lookup table of data shared with OAM 206 as shown at 322. In the present example, where the IP phone 102 has been previously registered, there is a match for the MAC address in the lookup table as shown at 410. To complete the registration, the processes 338 to 346, as previously described in reference to FIG. 3, are carried out." (Lee, col. 4, lines 12-24).

In the example above, Lee discloses "where the IP phone 102 has been previously registered, there is a match for the MAC address in the lookup table." Even if this match determines the MAC ID is valid, there is no disclosure of a subsequent determination that an identifier sent from the IP telephone is valid as recited in the features of claim 1. Rather, as stated above, Lee discloses that processes 338 to 346 are carried out. These processes are described in the following:

> "Specifically, the set registration process 204 sends an Open Port Ack 338 (Acknowledgement) to the IP phone service provider 202, which sends a registration acknowledgement 340 to the IP phone 102. Upon receipt of the registration acknowledgement 340, the IP phone 102 sends a Report Set ID (set type) 342 to the OAM 206.
>
> The OAM 206 and the set registration process 204 then downloads strings and prompts 344 desired for operation of the IP phone 102 in the phone system and, at 346, further updates the IP phone display with any information desired to be displayed by the IP phone 102."
> (Lee, col. 3 line 60 to col. 4 line 3) (emphasis added)

As can be seen above, acknowledgments are transferred back and forth, a Report Set ID 342 is sent from the IP Phone 102 to the OAM 206, and then downloading of information, such as strings and prompts, for operation of the IP Phone 102 is performed. However, it if first noted that the above nowhere discloses determining if the Report Set ID 342 is valid. Second, claim 1 recites "receiving an identifier from the IP telephone" prior to the recited features "if the MAC ID is determined to be valid, determining if the identifier is valid." In fact, the present Office Action uses the separate prior description of the registration of an unregistered IP phone 102 to suggest that Lee discloses the features "receiving an identifier from the IP telephone". Therefore, by suggesting Lee discloses the features of claim 1 in the descriptions of two separate registrations, it is not clear in the Examiner's comments as to what value is being suggested as being the identifier in Lee that is sent by the IP telephone. As shown above, in the description of the registration of a previously registered IP telephone, an identifier sent by the IP telephone is the Report Set ID 342 which is not disclosed anywhere to be determined to be valid at all - let alone determined to be valid "if the MAC ID is determined to be valid" as recited in the claim. For example, in the description of the registration of an unregistered IP telephone 102 in Lee, an identifier sent by the IP telephone in a request 318 is the MAC address, and not the Report Set ID 342, as disclosed by Lee in the following:

> "The IP phone 102 downloads 316 and executes the software to establish the IP socket to the IP phone service provider 202. The IP phone 102 then sends a request 318 for registration to the IP phone

service provider 202, <u>which includes its MAC address and set type</u>. The IP phone service provider 202 then sends an Open Port request 320 with the MAC address, the set type, and the IP address (associated information) to the set registration process 204 for registration of the IP phone 102." (Lee, col. 3 lines 23-32) (emphasis added)

Still further, regardless of whether the identifier received from the IP telephone in Lee is the MAC address or the Report Set ID 342, neither value is conditionally determined to be valid as recited wherein the claim reads "if the MAC ID is determined to be valid." Therefore, Lee nowhere discloses at least the highlighted features "if the MAC ID is determined to be valid, determining if the identifier is valid." For at least the above reasons, claim 1 is patently distinct from the cited references taken alone or in combination.

In addition to the above, claim 1 recites:

> "if the identifier is valid, assigning a range of port numbers to the IP telephone based on the identifier, wherein the IP telephone is operable to use at least a subset of the range of port numbers to send or receive IP communications."

In the present Office Action, it is suggested that Schuster discloses these features. However, Applicant disagrees. The protocol taught by Schuster does not disclose an identifier is determined to be valid and in response to determining the identifier is valid, the protocol assigns "a range of port numbers to the IP telephone based on the identifier." The protocol in Schuster allows a network device to request locally unique ports by sending a Port Allocation Protocol (PAP) request message to a router. The router sends a PAP response message to the network device that either confirms or denies the request. However, Schuster does not disclose "assigning a range of port numbers to the IP telephone based on the identifier" "if the identifier is valid." Rather, Schuster discloses:

"In another embodiment of the present invention, network devices (14, 16, 18, 20, 22, 24) request locally unique ports after boot-up when a protocol layer in layered protocol stack 42 makes an initial request for an external network (e.g., 30 or 32). Network devices (14, 16, 18, 20, 22, 24) may also request locally unique ports when the number of locally unique ports required exceeds the number of locally unique ports allocated.

PAP request message 66 is sent from a network device (14, 16, 18, 20, 22, 24) to router 26 after attaching an IP 48 header or other message header. A PAP response message 68 is sent from router 26 back to network devices (14, 16, 18, 20, 22, 24), either confirming or denying the request included in PAP request message 66." (Schuster, col. 13 lines 14-26).

"Upon receiving an unsuccessful PAP response message 68, the network device may send another PAP request message 66 for fewer ports. If router 26 cannot allocate a large enough block of contiguous locally unique ports for the network device, it may send a PAP response 68 with a success code, but allocate fewer locally unique ports than requested." (Schuster, col. 13 lines 59-65). (emphasis added).

As can be seen from the above disclosure, Schuster discloses allocating locally unique ports for the network device based upon an ability of the router to do so. Schuster nowhere discloses "assigning a range of port numbers to the IP telephone based on the identifier" "if the identifier is valid" as recited in claim 1. For at least these further reasons, claim 1 is patently distinct from the cited references taken alone or in combination.

As independent claims 16, 31, and 46 include features similar to claim 1, claims 16, 31, and 46 are patentably distinguished from the cited references for at least reasons similar to those discussed above. As each of the dependent claims include the features of the independent claims on which they depend, each of the dependent claims are patentably distinct for at least the above reasons. Additionally, Applicant submits each of new claims 60-107 recite features neither disclosed nor suggested by the cited art. In

view of the above, Applicant submits all pending claims are patentably distinguishable from the combination of cited art.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5686-00300/RDR.

Respectfully submitted,

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